

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

FILED  
2010 JAN 15 AM 10:45  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEPUTY

EL PASO APARTMENT ASSOCIATION, EPT §  
APACHE ARMS LP, EPT CORTESIA §  
DEL REY APARTMENTS LP, EPT SANTA §  
FE VILLAGE APARTMENTS LP, EPT DESERT §  
TREE APARTMENTS LP, EPT DOS SANTOS §  
APARTMENTS LP, EPT HIGH VISTA §  
APARTMENTS LP, EPT LA ESTANCIAS §  
APARTMENT LLC, EPT LA MIRADA §  
APARTMENTS LP, EPT LAKESIDE §  
APARMENTS LP, PADRES VILLAGE LIMITED, §  
415 REDD ROAD LP, EPT SAN MARCOS §  
APARTMENTS LP, SAN MARIN §  
APARTMENTS LP, EPT SAN MATEO §  
APARTMENTS LP, EPT SAN MIGUEL §  
APARTMENTS LLC, MISSION TRAIL LTD, §  
EPT SAN PEDRO APARTMENTS LP, §  
EPT SAND PEBBLE APARTMENTS LP, EPT §  
SEDONA PEAK, APARTMENTS LP, EPT CORTE §  
BELLA APARTMENTS LP, DT BELLA PALMS §  
APARTMENTS LP, RA THE MASTERS §  
COMMUNITY LLC, EPT TRES VISTAS §  
APARTMENTS LLC, EPT TREVINO §  
PLACE APARTMENTS LP, EPT VALLEY §  
RIDGE APARTMENTS LP, MAJESTIC §  
EMPLOYEES LTD, DT BELLA PALMS §  
APARTMENTS LP, COOPERTOWN LTD, §  
SOUTH COOPERTOWN LTD, SUNSET §  
PALMS LTD, BURGUNDY PALMS LTD, §  
CASTNER PALMS LTD, PUEBLO MONTANA §  
APARTMENTS LTD, CAPISTRANO PALMS, LTD, §  
TROPICANA PALMS LTD, AMERICAS PALMS §  
LTD, DIANA PALMS LTD, DEER PALMS LTD, §  
PATRIOT PALMS LTD, PASEO PALMS LTD, §  
EDGEMERE LTD, NORTON MANOR LTD, §  
ULLOA CORPORATION D/B/A DEL PRADO §  
APARTMENTS, ROSE-ALTUDA ARMS, L.P., and §  
ROSE-CORONADO TRAILS, L.P., §

Plaintiffs,

v.

c8  
No. EP-CA-0145-DB

CITY OF EL PASO, and EDMUND G. ARCHULETA §  
IN HIS OFFICIAL CAPACITY AS PRESIDENT AND §  
CHIEF EXECUTIVE OFFICER OF THE EL PASO §  
WATER UTILITIES PUBLIC SERVICE BOARD, §  
§  
Defendant. §

**NOTICE OF APPEAL**

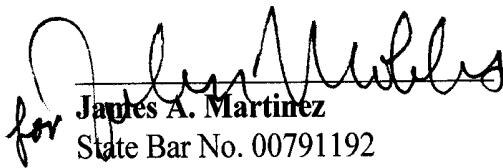
Notice is hereby given that the parties named below, Plaintiffs in the above-named case, hereby appeal to the United States Court of Appeals for the Fifth Circuit from the order granting summary judgment and final judgment entered in this action on December 18, 2009:

Appealing parties:

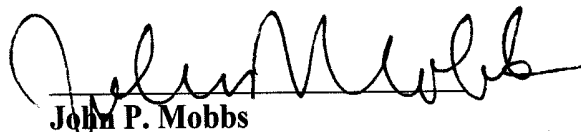
EL PASO APARTMENT ASSOCIATION,  
EPT APACHE ARMS LP,  
EPT CORTESIA DEL REY APARTMENTS LP,  
EPT SANTA FE VILLAGE APARTMENTS LP,  
EPT DESERT TREE APARTMENTS LP,  
EPT DOS SANTOS APARTMENTS LP,  
EPT HIGH VISTA APARTMENTS LP,  
EPT LA ESTANCIAS APARTMENT LLC,  
EPT LA MIRADA APARTMENTS LP,  
EPT LAKESIDE APARTMENTS LP,  
PADRES VILLAGE LIMITED,  
415 REDD ROAD LP,  
EPT SAN MARCOS APARTMENTS LP,  
SAN MARIN APARTMENTS LP,  
EPT SAN MATEO APARTMENTS LP,  
EPT SAN MIGUEL APARTMENTS LLC,  
MISSION TRAIL LTD,  
EPT SAN PEDRO APARTMENTS LP,  
EPT SAND PEBBLE APARTMENTS LP,  
EPT SEDONA PEAK APARTMENTS LP,  
EPT CORTE BELLA APARTMENTS LP,  
DT BELLA PALMS APARTMENTS LP,  
RA THE MASTERS COMMUNITY LLC,  
EPT TRES VISTAS APARTMENTS LLC,  
EPT TREVINO PLACE APARTMENTS LP,  
EPT VALLEY RIDGE APARTMENTS LP,

MAJESTIC EMPLOYEES LTD,  
DT BELLA PALMS APARTMENTS LP,  
COOPERSTOWN LTD,  
SOUTH COOPERSTOWN LTD,  
SUNSET PALMS LTD,  
BURGUNDY PALMS LTD,  
CASTNER PALMS LTD,  
PUEBLO MONTANA APARTMENTS LTD,  
CAPISTRANO PALMS, LTD,  
TROPICANA PALMS LTD,  
AMERICAS PALMS LTD,  
DIANA PALMS LTD,  
DEER PALMS LTD,  
PATRIOT PALMS LTD,  
PASEO PALMS LTD,  
ULLOA CORPORATION D/B/A DEL PRADO APARTMENTS,  
ROSE-ALTUDA ARMS, L.P., and  
ROSE-CORONADO TRAILS, L.P.

Respectfully submitted,

  
for **James A. Martinez**  
State Bar No. 00791192

James A. Martinez, P.L.L.C.  
501 N. Kansas, Suite 201  
El Paso, Texas 79901  
915/543.9712  
915/543.9718 fax

  
**John P. Mobbs**  
State Bar No. 00784618

4157 Rio Bravo  
El Paso, Texas 79902  
915/541.8810  
915/532.8373 fax

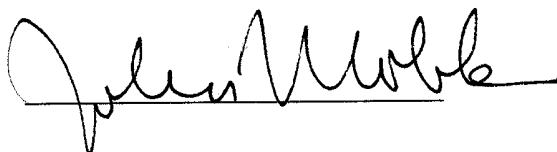
*ATTORNEYS FOR PLAINTIFFS - APPELLANTS*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 15th day of January, 2010, I filed the foregoing with the Clerk of Court, which will send notification of such filing to the following counsel using the CM/ECF system, and also served the following counsel with a copy of this notice of appeal by first-class U.S. mail:

Alejandro Acosta, Jr.  
*Bickerstaff Heath Delgado Acosta LLP*  
P.O. Box 1649  
El Paso, Texas 79949-1649

Douglas G. Caroom  
Sydney W. Falk, Jr.  
*Bickerstaff Heath Delgado Acosta LLP*  
816 Congress Ave., Suite 1700  
Austin, Texas 78701

A handwritten signature in black ink, appearing to read "John M. Webb", is written over a horizontal line.

DUPLICATE

Court Name: TEXAS WESTERN  
Division: 3  
Receipt Number: 300004172  
Cashier ID: jbejaran  
Transaction Date: 01/15/2010  
Payer Name: John P Mobbs

---

NOTICE OF APPEAL/DOCKETING FEE  
For: El Paso Apartment Association  
Amount: \$455.00

---

CHECK  
Check/Money Order Num: 3249  
Amt Tendered: \$455.00

---

Total Due: \$455.00  
Total Tendered: \$455.00  
Change Amt: \$0.00

---

Notice of Appeal,  
DTXW308CA000145DB, El Paso  
Apartment Association